

Chapter 173-503A WAC
WATER RESOURCES MANAGEMENT PROGRAM
Samish River Basin
Part of Water Resources Inventory Area (WRIA) 3

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WAC 173-503A-010 General provisions – Authority and Applicability.

(1) This chapter is adopted under the authority of the Water Resources Act of 1971 (chapter 90.54 RCW), Minimum Water Flows and Levels Act (chapter 90.22 RCW), Watershed Planning Act (chapter 90.82 RCW), Water Well Construction Act (chapter 18.104 RCW), Water Resource Management (chapter 90.42 RCW), Regulation of Public Ground Waters (chapter 90.44 RCW) and the Water Resources Management Program rule (chapter 173-500 WAC).

(2) This chapter applies to the following portions of Water Resource Inventory Area 3 (WRIA 3, see map in WAC 173-503A-190) which, in the context of this chapter, will be referred to as “the Samish River basin:”

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- all surface waters that drain to the Samish River, including its tributaries and areas adjacent to the mouth of the Samish River that drain to saltwater; and
- all ground water hydraulically connected with those surface waters.

(3) This chapter shall not affect existing water rights, including perfected riparian rights, federal Indian and non-Indian reserved rights, or other appropriative rights existing on the effective date of this chapter, unless otherwise provided for in the water right in question.

(4) This chapter does not limit the department's authority to establish flow requirements or conditions under other laws, including hydropower licensing under RCW 90.48.260.

WAC 173-503A-020 Purpose.

(1) The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Samish River basin with instream flows and levels necessary to protect and preserve wildlife, fish, scenic, aesthetic, recreation, water quality and other environmental values, navigational values, and stock watering requirements.

(2) The chapter creates a reservation of adequate and safe supplies of potable water to satisfy human domestic needs.

(3) This chapter sets forth the department's policies to guide the protection, utilization and management of Samish River basin surface water and interrelated ground water resources. It establishes instream flows and closures, and sets forth a program for the administration of future water allocation and use.

WAC 173-503A-030 Definitions.

For the purposes of this chapter, the following definitions shall be used:

(1) "**Allocation**" means the designating of specific amounts of water for specific beneficial uses.

(2) "**Appropriation**" means the process of legally acquiring the right to specific amounts of water for beneficial uses, as consistent with the requirements of the ground and surface water codes and other applicable water resource statutes.

(3) "**Consumptive use**" means a use of water that reduces the amount of water in the water source.

(4) "**Department**" means the Washington state department of ecology.

(5) "**Domestic water use**" means, for the purposes of this chapter, potable water to satisfy human domestic needs, including water used for drinking, bathing, sanitary purposes, cooking, laundering, and other incidental uses. This term applies to both residential and small business uses. It includes limited outdoor use, specifically the non-commercial watering of ornamental plants and small vegetable gardens, and does not include lawn irrigation.

(6) "**Instream Flow**" means a stream flow level set in rule that is required to protect and preserve fish, wildlife, scenic, aesthetic and other environmental values, and navigational values. The term "instream flow" means a base flow under chapter 90.54 RCW, a minimum flow under chapter 90.03 or 90.22 RCW, or a minimum instream flow under chapter 90.82 RCW.

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(7) “**Mitigation plan**” means a voluntary plan submitted by a project proponent to offset the impacts of proposed water use. A mitigation plan must show that the withdrawal with mitigation in place will not impair senior water rights, including instream flow rights. Mitigation requires that when a withdrawal occurs when the natural flow is low, such as in late summer and early fall, any water withdrawn must be replaced by equal or greater amounts of water of comparable quality in the area of the stream affected by the withdrawal.

(8) “**Nonconsumptive use**” means a use of water that does not reduce the amount of water in the water source.

(9) “**Public water supply**” means any water supply intended or used for human consumption and community uses by more than one single-family residence.

(10) “**Public water system**” means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm.

(11) “**Reservation**” means an allocation of water for future beneficial uses. The priority date of a given allocation is the same as the effective date of the reservation.

(12) “**Stream management unit**” means a stream segment, reach, or tributary used to describe the part of the relevant stream to which a particular instream flow level applies. Most of these units contain a control station. A map with the stream management units delineated will usually be included in a water resource chapter.

(13) “**Withdrawal**” means the appropriation or use of ground water, or the diversion or use of surface water.

WAC 173-503A-040 Establishment of stream management units.

The department hereby establishes the following stream management units. The boundaries of the management units are shown on the map in WAC 173-503A-190.

Stream Management Unit Information

Stream Management Unit Name Control Station gauge #	Control Point by River Mile (RM); Section, Township and Range	Stream Management Reach Description
Bear Creek	RM 8.8	From mouth to headwaters.
Dry Creek	RM 16.05	From mouth to headwaters.
Ennis Creek	RM 25.15	From mouth to headwaters.
Friday Creek (Samish River tributary) Gauge #: 03C060	RM 0.3 T36N, R4E, Sec. 32, W.M.	From confluence with Samish River to headwaters, including all tributaries; excluding Lake Samish.

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Lower Samish River Gauge #:12-201-500	RM 10.3 T35N, R4E, Sec.6, W.M.	Mainstem Samish River from the mouth at Samish Bay to RM 10.3 including all tributaries.
NP Creek	RM 26.05	From mouth to headwaters.
Silver Creek (Tributary to Friday Creek) Gauge #: 03K070	RM 0.2 T36N, R4E, Sec. 7, W.M.	From confluence with Friday Creek to headwaters, including all tributaries.
Swede Creek	RM 12.8	From mouth to headwaters.
Thomas Creek	RM 8.35	From mouth to headwaters
Thunder Creek	RM 20.75	From mouth to headwaters.
Unnamed Stream (Stream 85)	RM 27.3	From mouth to headwaters.
Upper Samish River Gauge #:12-201-500	RM 10.3 T35N, R4E, Sec.6, W.M.	Mainstem Samish River from RM 10.3 to the headwaters, excluding Lake Samish.
Ware Creek	RM 11.25	From mouth to headwaters.
Wildes Creek	RM 2.4	From mouth to headwaters.
Willard Creek	RM 2.7	From mouth to headwaters.

WAC 173-503A-050 Establishment of instream flows.

(1) Instream flows established in this section protect stream flows from future withdrawals, and preserve flow levels that are necessary to protect wildlife, fish, water quality, scenic, aesthetic and other environmental values, navigational values, and stock watering requirements.

(2) Instream flows established in this section are water rights. Based on RCW 90.82.080(2)(a), the priority date of the instream flows is June 12, 2000, two years after the Samish planning unit first received funding from the department.

(3) Instream flows are expressed in cubic feet per second (cfs). Instream flows are measured at the control points identified in WAC 173-503A-040.

(4) Instream flows are to be protected from impairment by junior water rights. Except as provided in WAC 173-503A-090, WAC 173-503A-110 and WAC 173-503A-120, legal junior water rights shall be exercised only in the stream management units not subject to closure under WAC 173-503A-070 and when flow conditions provide enough water to first satisfy senior rights, including the instream flows set in this chapter. Withdrawals of water which would conflict with instream flows shall be authorized only in situations where it is clear that the overriding considerations of the public interest will be served.

(5) Stream flow requirements on existing water rights are not modified by this chapter. Existing water rights that include a provision that water use will be subject to future instream flows are now subject to the instream flows established in WAC 173-503A-050.

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(6) Instream flows are established for the stream management units in WAC 173-503A-040, as follows:

Table 1
Instream Flows in the Upper and Lower Samish River
(cubic feet per second)

USGS Sta. #12-201-500	
Month/Day	Upper and Lower Samish River
	RM 10.3
January	200
Feb. 1	200
Feb. 15	400(closed)
March	400(closed)
April	400(closed)
May	310(closed)
June	100(closed)
July	100(closed)
August	55(closed)
September	105(closed)
Oct. 1	185(closed)
Oct. 16	275(closed)
November 1-15	275(closed)
November 16-30	275
December	275

Table 2
Instream Flows for Friday Creek and Silver Creek
(cubic feet per second)

	Friday Creek	Silver Creek
Month	RM 0.3	RM 0.2
January.	60	5
Feb. 1-15	60	5
Feb 16-29	100	50
March	100	40
April	100	25
May	100	15
June	80	8
July	35	4
August	20	2.5
September	25	4
October	60	15
November	60	32
December	60	32

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Table 3

Instream Flows for Small Streams of the Samish River:

Stream 85, Bear Cr., Dry Cr., Ennis Cr., NP Cr., Swede Cr., Thomas Cr., Thunder Cr., Ware Cr., Wildes Cr.
 Willard Cr.

(cubic feet per second)

Month/Day	Unnamed Stream (stream 85) Tributary to Samish R. RM 27.3	Bear Creek Tributary to Friday Cr. RM 8.8	Dry Creek Tributary to Samish R. RM 16.05	Ennis Creek Tributary to Samish R. RM 25.15	NP Creek Tributary to Samish R. RM 26.05
January	5	10	13	14	7
Feb. 1-15	5	10	13	14	7
Feb 16-29	15	10	13	14	7
March	15	28	37	39	7
Apr. 1-15	15	28	37	39	7
Apr. 16-30	15	28	37	39	7
May	15	28	37	39	4
June	10	19	25	26	4
July	10	19	25	26	4
August	3	6	8	9	4
September	3	6	8	9	4
October	7	14	20	21	11
November	7	14	20	21	11
December	7	14	20	21	11

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Table 3 cont.

Month/ Day	Swede Cr. Tributary to Samish R. RM 12.8	Thomas Cr. Tributary to Samish R. RM 8.35	Thunder Cr. Tributary to Samish R. RM 20.75	Ware Cr. Tributary to Friday Cr. RM 11.25	Wildes Cr. Tributary to Friday Cr. RM 2.4	Willard Cr. (Wollard Creek) Tributary to Samish R. RM 2.7
January	3	13	6	0.5	1.5	1.2
Feb. 1-15	3	13	6	0.5	1.5	1.2
Feb. 16-29	3	13	6	0.5	1.5	1.2
March	10	13	18	0.5	1.5	1.2
April	10	13	18	0.5	1.5	1.2
May	10	4	18	0.2	1	0.6
June	7	4	12	0.2	1	0.6
July	7	4	12	0.2	1	0.6
August	2	4	3	0.2	1	0.6
September	2	27	3	0.2	1	0.6
October	5	27	9	1	2	2
November	5	27	9	1	2	2
December	5	13	9	1	2	2

WAC 173-503A-060 Lakes and ponds.

(1) RCW 90.54.020(3) requires, in part, that the quality of the natural environment shall be protected, and where possible, enhanced, and lakes and ponds shall be retained substantially in their natural condition. The department has determined that further consumptive withdrawals would impact the lakes and ponds of the Samish River basin. Therefore the department closes all lakes and ponds in the Samish River basin, except for surface withdrawals from the Lake Samish Management Unit (as defined in WAC 173-503A-060(2)(a)), to any further consumptive appropriations, including all ground water hydraulically connected to these surface waters. Exceptions to the closures are identified in WAC 173-503A-090, WAC 173-503A-110 and WAC 173-503A-120. Lakes which are not specifically listed in this chapter are affected by this chapter if they are tributaries to streams and lakes listed herein.

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(2) Approval of future surface and ground water appropriations from the Lake Samish Management Unit shall be subject to the following requirements:

(a) The “Lake Samish Management Unit” means the area from the outlet of Lake Samish (at Nulle Road Bridge) to the headwaters of all tributaries to the lake.

(b) Future water rights from Lake Samish, its tributaries, and ground water contributing to those waters shall be limited to land owners within the Whatcom County Lake Management District No.1.

(c) While appropriations from the Lake Samish Management Unit are not subject to the instream flows established in WAC 173-503A-050, Friday Creek flows must be augmented with Lake Samish water to ensure a flow of 2.0 cubic feet per second (cfs) as measured downstream from the Nulle Road Bridge (River Mile 9.1). Flow augmentation must start when the flow measured downstream from the Nulle Road Bridge drops below 2.0 cfs, as determined by the department.

(i) This condition shall be placed on all water right permits and certificates issued for water from Friday Creek.

(ii) For ground water uses exempt from a water right permit application pursuant to RCW 99.44.050, this condition shall be placed on all water availability determinations issued by the county pursuant to RCW 19.27.097 and RCW 58.17.110.

(iii) Whatcom County Lake Management District No.1 shall be responsible for augmenting Friday Creek flows.

(d) New water uses from the Lake Samish Management Unit will not be allowed if connection to a public water system established pursuant to RCW 43.20.260 can be provided in a timely and reasonable manner. A “timely and reasonable manner” means potable water service can be provided by a purveyor within 120 days of a written request for service, to a property located within the public water system and 500 feet of the purveyor’s water pipe line. *[definition of “timely and reasonable” still under discussion]*

(e) Use of water from the Lake Samish Management Unit shall not continue where a public water system has been established pursuant to RCW 43.20.260, and where the connection can be provided in a timely and reasonable manner for those entities who previously did not meet subsection (d) above. Any such person must take affirmative action to connect to the public water system no later than 120 days after receiving the department's written order to cease and desist use of the well or surface water source.

(f) If changes in existing county land use zoning allow for increased densities that adversely affect the Lake Samish Management Unit, the department may limit or restrict the further use of surface and ground water from the Lake Samish Management Unit.

WAC 173-503A-070 Stream closures.

(1) Streams and tributaries in the Samish River basin historically and currently exhibit low flows and have the potential for going dry. Historic flow regimes compounded with current uses leads the department to determine that no water is available for additional appropriation from the streams and tributaries in the Samish River basin, as identified in WAC 173-503A-040, and ground water hydraulically connected with those streams, beyond the needs of existing uses including the instream flows established in WAC 173-503A-050. Additional appropriation includes both new water right permits and ground water withdrawals otherwise exempted from permit requirements under RCW 90.44.050.

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(2) Except as provided in WAC 173-503A-090, WAC 173-503A-110 and WAC 173-503A-120, all the streams in the Samish River basin are closed to future surface and ground water appropriations year-round, except for segments of the Samish River. The Upper and Lower Samish River stream management units are closed to appropriations from February 15 to November 15 annually.

WAC 173-503A-080 Edison Slough and Salt-Water Drainages.

Edison Slough and the Salt-Water Drainages are independent tributaries that go directly into salt water. Therefore they are not subject to instream flows or to closures.

WAC 173-503A-090 Future stock watering.

(1) The department reserves one-tenth of one cubic foot per second (0.1 cfs) of water for future stock watering. This reserved water can be accessed either from surface water sources or from wells qualifying for ground water withdrawals otherwise exempted from permit requirements under RCW 90.44.050.

(a) Use of water from the reservation shall not be available for feedlots and other activities which are not related to normal grazing land uses.

(b) Appropriation or use of water from the reservation for stock watering shall be limited to the land base and carrying capacity of the grazing lands next to the stream or water course.

(c) The department will maintain a record of the amount of water used from the reservation, and reserves the right to require reporting of water use to ensure compliance with this reservation.

(2) This section does not affect existing riparian stock water rights. The department encourages existing riparian stock water right holders to remove livestock from streams for the purpose of protecting water quality and stream habitat. Under these circumstances, no change application is required, as long as the amount of water diverted to nearby stock-water tanks for consumption by livestock is consistent with the historic use of water by that stock.

WAC 173-503A-100 Reservation of permit-exempt ground water for future domestic uses.

(1) The department has weighed the public interest supported by providing a limited amount of water for domestic uses, as defined in WAC 173-503A-030(5), with the potential for negative impact to instream flow resources. The department finds that the public interest advanced by this limited reservation clearly overrides the small potential for negative impacts on instream resources (RCW 90.54.020(3)(a)).

Based on this finding, the department hereby allocates an amount of water not to exceed one cubic foot per second (1 cfs) to provide adequate and safe supplies of water for year-round future domestic uses. This reservation of ground water is not subject to the instream flows established in WAC 173-503A-050, the lake closures established in WAC 173-503A-060 and the closures established in WAC 173-503A-070.

Use of water under the reservation is available only if all the conditions set forth in this section are fully complied with.

(2) Conditions for use of the reservation water are:

(a) The water reserved shall be for ground water uses exempt from a water right permit application pursuant to RCW 99.44.050. This reservation can provide water for either single or small group domestic uses.

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(b) Water use under this reservation does not include domestic uses within the Lake Samish Management Unit. (Refer to WAC 173-503A-060).

(c) This reservation of ground water shall not exceed 646,000 gallons of water per day (1 cfs).

(d) Domestic water use shall meet the water use efficiency standards of the uniform plumbing code as well as any applicable local or state requirements for conservation standards.

(e) This reservation shall only be applicable in areas governed by a county ordinance that sets forth the same requirements as subsections a, b, c, d, f and g of this section as conditions on a water availability determination based upon the reservation, issued pursuant to RCW 19.27.097 and RCW 58.17.110.

(f) Water use under this reservation is not allowed in those areas where a public water system has been established pursuant to RCW 43.20.260, and where the connection can be provided in a timely and reasonable manner. A “timely and reasonable manner” means potable water service can be provided by a purveyor within 120 days of a written request for service, to a property located within the public water system and 500 feet of the purveyor’s water pipe line. *[definition of “timely and reasonable” still under discussion]*

(g) No outdoor irrigation shall take place except for a limited amount to irrigate ornamental plants and non-commercial small vegetable gardens.

(3) If a water use is not in compliance with any condition of this reservation, the department may first take action to gain compliance; and subsequently may suspend or terminate any withdrawal not in compliance.

(4) The department reserves the right to require source metering and reporting of water use for single domestic users, if more accurate water use data is needed for management of the reservation and water resources in the area of the reservation. Public water system providers will be required to meter, as consistent with the state department of health’s requirements.

(5)(a) A record of all ground water allocations from the reservation shall be maintained by the department. The record, which will be based on well logs, water availability certificates issued by the counties, or other documents, will readily show both the allocated and unallocated quantities of ground water that are in reserved status. For accounting purposes, the department shall use 350 gallons per day (gpd) per residence or business as the average water use value. This figure shall be adjusted down to 175 gpd if the residence or business is not served by sewer, to take recharge into account.

(b) The department considers 350 gpd to be the average measure of beneficial water use. This amount will be reconsidered if and when sufficient information is collected and verified which demonstrates that the actual daily average use or the associated recharge are other than these amounts.

(6) The reservation is a one-time, limited exception to the instream flows and closures. Once the reservation is fully allocated, it is no longer available. New water rights may be available under the provisions in WAC 173-503A-120. In addition, future water supplies for this closed basin may be available through the development of alternative water sources such as storage, reuse and conservation (WAC 173-503A-130).

(7) The department shall notify the appropriate county, in writing, when it determines that 50 percent, 75 percent, and 100 percent respectively of the reservation has been allocated. The department shall also issue a public notice in a newspaper of general circulation for the region at the same three junctures.

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(8) If existing county and city land use decisions, including zoning changes and sub-division approvals, allow for increased densities that adversely affect small tributaries and other flow-sensitive areas, the department may limit or restrict the further use of the reservation.

WAC 173-503A-110 Maximum allocation.

(1) High flows provide critical ecological functions such as channel and riparian zone maintenance, flushing of sediments, and in and out migration of fish. The protection of the frequency and duration of higher ecological flows can be accomplished by establishing a maximum amount of water/flow that can be withdrawn from the stream above the instream flow levels.

(2) Therefore, the department determines that the total consumptive water rights from the Upper and Lower Samish River during the non-closed period of November 16 to February 14 shall not exceed a total of thirty-three cubic feet per second (33 cfs), as measured at the USGS gauge #12201500, river mile 10.3.

(3) The designation of a maximum allocation does not constitute a determination that water is available, as defined in RCW 90.03.290. A determination of water availability requires the application of four tests: water is available; the use will not impair senior rights; water will be put to beneficial use; and the use is not detrimental to the public interest. Water availability is also governed by existing water rights, including the instream flows established in WAC 173-503A-050, and other provisions established in statutory, administrative and case law.

(4) The department will maintain a record of the amount of water allocated from the Upper and Lower Samish during the non-closed period. When the 33 cfs is fully appropriated, the department shall notify the appropriate county, in writing. The department shall also issue a public notice in a newspaper of general circulation for the region.

(5) The department reserves the right to require metering and reporting of water use for single domestic users, if more accurate water use data is needed for water resource management. Public water system providers will be required to meter, as consistent with the state department of health's requirements.

WAC 173-503A-120 Future permitting actions.

(1) Surface and ground water permits not subject to the instream flows and closures, established in WAC 173-503A-050, WAC 173-503A-060 and WAC 173-503A-070, may be issued if:

(a) The proposed use is nonconsumptive, and compatible with the intent of this chapter.

(b) The applicant elects to submit a mitigation plan and it is approved by the department. A mitigation plan may be approved if it can show that the withdrawal will not impair senior water rights, including instream flow rights. Mitigation requires that when the natural flow is low, such as in late summer and early fall, any water withdrawn will be replaced by equal or greater amounts of water of comparable quality in the area of the stream affected by the withdrawal. If monitoring of a mitigation plan shows the mitigation is not effective, use of water under the permit shall be subject to the instream flow. In the case of a closed basin, the use shall cease unless a more effective mitigation plan is put in place.

(c) The proposed ground water use will not impair senior water rights. The department has determined that most of the ground water in the Samish River basin contributes to surface water flows and levels. Therefore a ground water permit that is not subject to the instream flows or closures may only be approved if a project proponent can adequately demonstrate that the proposed ground water use will not

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impair senior water rights, including the instream flows set in this chapter. The applicant assumes a high burden of proof in showing the lack of impairment, which must be demonstrated through additional studies and technical analysis to the satisfaction of the department.

(2) In very limited situations and for appropriate projects, surface or ground water permits may be issued, subject to the instream flows and closures, in one of these two situations:

(a) The applicant is proposing a withdrawal of water for the purpose of storage, from a source open during some portion of the year.

(b) A project proponent can adequately demonstrate to the satisfaction of the department that the proposed withdrawal can be managed to avoid impairment to the instream flows. The project proponent must also describe how their water needs will be met when water is curtailed. This exception is not available for projects requiring a long-term, reliable and predictable water supply. The water right holder shall accept the risks associated with interruption of supply when the applicable instream flows are not met.

(3) All water right permits approved by the department for a consumptive use from a water source with instream flows established by this rule and during non-closed periods are subject to those instream flows, as described in WAC 173-503A-050.

(4) For streams with partial closures the maximum allocation cannot exceed 33 cfs, as described in WAC 173-503A-110.

(5) No right to withdraw, divert or store the public surface or ground waters of the Samish River basin that conflicts with the provisions of this rule will hereafter be granted, except in cases where such rights will clearly serve overriding considerations of the public interest, as stated in RCW 90.54.020(3)(a).

(6) All future surface and ground water permit holders shall be required to install and maintain measuring devices and report the data to the department in accordance with permit requirements. In addition, the department may require the permit holder to monitor stream flows and ground water levels.

WAC 173-503A-130 Alternative sources of water.

(1) The legislature has long acknowledged that water supply and availability around the state are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource (RCW 90.54.090(1)(a)). This chapter provides limited exceptions for new uses in the Samish River basin. However, there is a continuing need for ongoing and reliable sources for new water uses. This need dictates the continued development and use of alternative sources of water, such as:

- reuse of reclaimed water;
- artificial recharge and recovery;
- multipurpose water storage facilities;
- conservation and efficiency measures applied to existing uses and the transfer of saved water;
- acquisition of existing water rights; and
- establishment of a trust water rights program.

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(2) Alternative sources of water of equal or better quality than the proposed source can be used to improve stream flows for fish, offset impacts of withdrawals on stream flows and provide sources of water for future out-of-stream uses.

WAC 173-503A-140 Establishment of trust water rights program.

(1) The department will establish a trust water right program to facilitate the acquisition of existing water rights through purchases, long-term leases, donations and conserved water saved through state and federally funded conservation projects.

(2) The determination of how much water should be allocated between future out-of-stream uses and the restoration and enhancement of instream flows will be made at the time the water is acquired and deposited into the trust water rights program.

WAC 173-503A-150 Future changes and transfers.

No changes to, or transfers of, existing surface and ground water rights in the Samish River basin shall hereafter be granted if they conflict with the purpose of this chapter. Any change or transfer proposals can be approved only if there is a finding that existing rights, including instream flows hereby established, will not be impaired.

WAC 173-503A-160 Compliance and enforcement.

(1) To obtain compliance with this chapter, the department shall prepare and distribute technical and educational information regarding the scope and requirements of this chapter to the public. This is intended to assist the public in complying with the requirements of their water rights and applicable water laws.

(2) When the department determines that a violation has occurred, it shall first attempt to achieve voluntary compliance. An approach to achieving this is to offer information and technical assistance to the person, in writing, identifying one or more means to accomplish the person's purposes within the framework of the law.

(3) To obtain compliance and enforce this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including but not limited to, issuing regulatory orders under RCW 43.27A.190; and imposing civil penalties under RCW 43.83B.335, 90.03.400, 90.03.410, 90.03.600, 90.44.120 and 90.44.130.

WAC 173-503A-170 Appeals.

All final written decisions of the department pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter can be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

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Review of this chapter may be initiated by the department whenever significant new information is available, a significant change in conditions occurs, or statutory changes are enacted that are determined by the department to require review of the chapter.

For the purposes of administering this chapter, the boundaries of the Samish River basin and management units contained in the figure below are presumed to accurately reflect the basin hydrology.

